Delegated Powers and Law Reform Committee

Pentland Hills Regional Park Boundary Bill at Stage 1
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Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on—

a. any—
   i. subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   ii. [deleted]
   iii. pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

b. proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

c. general questions relating to powers to make subordinate legislation;

d. whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

e. any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and

f. proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.

g. any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

h. any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
Committee Membership

Convener
Nigel Don
Scottish National Party

Deputy Convener
John Mason
Scottish National Party

Richard Baker
Scottish Labour

John Scott
Scottish Conservative and Unionist Party

Stewart Stevenson
Scottish National Party
Introduction

1. At its meeting on 15 September 2015 the Delegated Powers and Reform Committee considered the delegated powers provisions in the Pentland Hills Regional Park Boundary Bill ("the Bill")\(^1\). The Committee submits this report to the lead committee for the Bill under Rule 9.6.2 of Standing Orders.

2. This Member's Bill was introduced by Christine Grahame MSP on 30 April 2015. The Bill seeks to make provision about altering the boundary of the Pentland Hills Regional Park; and for connected purposes.
Overview of the Bill

3. This Member’s Bill was introduced by Christine Grahame MSP on 30 April 2015. The Bill seeks to make provision to alter the southern boundary of the Pentland Hills Regional Park (“the Park”) so as to include within the Park all, or substantially all, of the Pentland Hills range.

4. The Bill provides two routes by which this can be achieved. Firstly, the Bill gives a power to the Scottish Ministers to make regulations altering the southern boundary of the Park to include a designated area, acting on a proposal from the local authorities affected. Secondly, where the boundary has not been altered by such regulations within two years of the Bill receiving Royal Assent (“the default date”), the Bill provides that the boundary will be extended automatically to include all (or substantially all) of the Pentland Hills range.

5. The Delegated Powers Memorandum (“the DPM”)², explains that the two year ‘lead in’ period before the default date, at which point the boundary will be automatically extended, is intended to afford a sufficient period for a suitable extended boundary to be set at an earlier date following a notice and consultation process amongst stakeholders. The DPM notes, however, that there is scope for such regulations to be made after the default date has passed and the new boundary, as determined by the Bill, is in place.
Delegated Powers Provisions

6. The Committee first considered the Bill at its meeting on 15 September 2015. At that meeting, the Committee agreed that it did not need to draw the attention of the Parliament to the following powers:

   • Section 1(1) – Regulations altering the boundary of the Pentland Hills Regional Park
   • Section 2(4) – Procedure to be followed by the relevant local authorities

7. The Committee therefore reports that it is content with the delegated powers provisions contained in the Bill.
The Pentland Hills Regional Park Boundary Bill as introduced is available at the following website:

The Pentland Hills Regional Park Boundary Bill Delegated Powers Memorandum is available at the following website: